



COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION

**DEPARTMENT OF
TELECOMMUNICATIONS & ENERGY**

ONE SOUTH STATION
BOSTON, MA 02110
(617) 305-3500

JANE SWIFT
GOVERNOR

JENNIFER DAVIS CAREY
DIRECTOR OF CONSUMER AFFAIRS
AND BUSINESS REGULATION

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COMMISSIONER

August 16, 2001

Bea Klemmensen
NANPA CO Code Administration
1800 Sutter Street, Suite 570
Concord, CA 94520

RE: D.T.E. 01-33 - Verizon Request for Growth Numbers in 508/774 NPA, New
Bedford Rate Center

I. INTRODUCTION

On May 25, 2001, Verizon-Massachusetts (AVerizon@) requested 3,000 consecutive growth numbers in the New Bedford rate center in order to accommodate an end-user's request for additional numbering resources within a specific line-number range. On June 1, 2001, the North American Numbering Plan Administrator (ANANPA@) denied Verizon's request for the growth numbers. On August 6, 2001, Verizon submitted a letter to the Department of Telecommunications and Energy (ADepartment@) requesting that the Department overturn NANPA's denial of Verizon's growth number request.

II. ANALYSIS AND FINDING

NANPA denied Verizon's request because Verizon did not meet the FCC's months-to-exhaust requirement. Pursuant to 47 C.F.R. ' 52.15(g)(3)(iii),

All service providers shall maintain no more than a six-month inventory of telephone numbers in each rate center or service area in which it provides telecommunications service.

The Department has the authority to review NANPA's denial of number requests pursuant to 47 C.F.R. ' 52.15(g)(3)(iv), which reads in relevant part:

The carrier may challenge the NANPA's decision to the appropriate state regulatory commission. The state regulatory commission may affirm or overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination of compliance with the reporting and numbering resource application requirements herein.

Verizon's most recent appeal presents a situation similar to those addressed in this docket in the Verizon Harvard Order (June 19, 2001) and the Verizon Partners Order (July 9, 2001). In both prior cases, the end-users requested full exchange codes ending in a specific digit in order to support expansion and maintain uniform, 5-digit internal dialing, but NANPA denied Verizon's requests because Verizon did not meet the six months-to-exhaust requirement. The Department found that the denials presented competitive concerns, in that the end-users would be forced to seek service from an alternate carrier if they could not get the numbers they needed from Verizon.

In the instant case, the University of Massachusetts at Dartmouth (UMass@) seeks 3000 consecutive numbers in a particular line-number range in order to maintain consistent internal dialing during an expansion. UMass needs 2000 of the numbers by the Fall of 2001, and will deploy remaining 1000 over the course of the next 12 to 18 months. UMass asserts that if it is unable to obtain these needed numbers from Verizon, UMass may be forced to seek service from an alternate provider, which would result in an A...unnecessary financial and operational hardship to the University and have a severe affect on our residence student population.@

Verizon submitted confidential and proprietary information to the Department concerning its numbering resource inventory and utilization rates in the New Bedford rate center, and the Department is satisfied that Verizon is truly unable to meet UMass= needs from its existing inventory. The Department is further satisfied that Verizon's inability to meet UMass= needs from its existing inventory is not the result of Verizon having managed its numbering resources in a manner contrary to the letter or spirit of regulatory number resource conservation requirements.

The Department concludes that the denial of growth numbering resources in this circumstance presents competitive concerns, because UMass is unable to obtain service from its provider of choice. When the FCC delegated authority to the Department to impose threshold requirements on carriers seeking growth numbering resources, the FCC cautioned the Department to not apply any threshold test A...in such a manner as to deprive customers of their choices of carriers from whom to purchase service upon request.@¹ The Department sees no

¹ In the Matter of Massachusetts Department of Telecommunications and Energy's Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes, CC Docket No. 96-98, FCC 99-246, NSD

reason to conclude that the FCC is less concerned about the potential anti-competitive effects of the inflexible application of a threshold requirement when the threshold requirement is the FCC's own.

Parties should not construe this Order, or any other Orders addressing similar requests, as an indication that number resource conservation requirements will be leniently enforced by the Department. Indeed, the Department regards threshold tests such as utilization rates and months-to-exhaust requirements as valuable tools. The Department merely seeks to balance threshold requirements against carriers' ability to serve their customers, in order to determine whether an exemption from a threshold requirement is in the public interest; any such balancing test must include a consideration of competing demands for the numbering resources sought and, significantly, an evaluation of the end-user's need.

When a carrier seeks an exemption from a threshold requirement in order to satisfy a particular end-user's request, the Department has the obligation to determine whether the end-user's request is legitimate, and whether it warrants granting the carrier an exemption from the threshold requirement. In the absence of such oversight, threshold requirements would soon cease to have any practical affect. Massachusetts has had to implement six new area codes in the past five years; determining the legitimacy of the end-user's need, and balancing that need against the larger goals of prudent number resource management, is essential if Massachusetts is to slow the need for future area code relief.

In both the Verizon Harvard Order and the Verizon Partners Order as well as the instant case involving UMass, the end-users requested specific numbering resources not only to support the convenience of internal dialing patterns, but in order to provide numbering resources for expansion. Granting Verizon this exemption from the months-to-exhaust requirement will facilitate the ability of an educational institution to grow and expand, and is clearly in the public interest.

III. ORDER

Accordingly, after due consideration, Verizon's request is granted, and NANPA is directed to immediately assign 3000 numbers in the range 2000-4999 in the 508 or 774 NPA to Verizon.

By the Commission,

_____/s/_____
James Connelly, Chairman

_____/s/_____
W. Robert Keating, Commissioner

_____/s/_____
Paul B. Vasington, Commissioner

_____/s/_____
Eugene J. Sullivan, Jr., Commissioner

_____/s/_____
Deirdre K. Manning, Commissioner